

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

HANGZHOU CHIC INTELLIGENT  
TECHNOLOGY CO. and UNICORN  
GLOBAL, INC.,

## Plaintiffs,

v.

**THE PARTNERSHIPS AND  
UNINCORPORATED ASSOCIATIONS  
IDENTIFIED ON SCHEDULE "A."**

## Defendants.

Docket No. 20 CV 4806

Chicago, Illinois  
November 17, 2022  
9:12 a.m.

TRANSCRIPT OF TELEPHONIC PROCEEDINGS - Status Hearing  
Volume 1A  
BEFORE THE HONORABLE THOMAS M. DURKIN

#### **APPEARANCES:**

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1                   THE CLERK: The next case is 20 CV 4806,  
2 ABC Corporation v. The Defendants Identified on Schedule "A."

3                   Could I please have the attorney present on behalf of  
4 the plaintiff state their name.

5                   MR. LOMUSCIO: Yes, it's Richard Lomuscio of Tarter  
6 Krinsky & Drogin on behalf of the plaintiffs.

7                   THE CLERK: And on behalf of defendant, please.

8                   MR. YAO: Yeah, this is Attorney Yu-Hao Yao appearing  
9 on behalf of defendants.

10                  THE COURT: Okay. I received a joint status report,  
11 which was filed with each side's positions. We entered an  
12 order dismissing some of the now moot motions, but the main  
13 reason for meeting today was to find out from defendants  
14 whether they intended to sell their products during the  
15 pendency of the summary judgment briefing and, if so -- and if  
16 plaintiffs were going to seek a preliminary injunction,  
17 they're entitled to seek one, but we'd have to have a hearing.

18                  If the parties -- if the defendants did not intend to  
19 sell their product during the pendency of the summary judgment  
20 motion, we would set a briefing schedule for the summary  
21 judgment motion.

22                  So what do you have to report on that from the  
23 defendants?

24                  MR. YAO: Good morning, Your Honor. This is Attorney  
25 Yu-Hao Yao.

1           So we -- I did speak with my client and my client is  
2 going to resume selling the products, so -- and also -- we  
3 also conferred with plaintiffs yesterday during a phone call  
4 and we also notified the plaintiffs that we are -- excuse  
5 me -- we are going to continue to sell the products.

6           THE COURT: Well, by "continue," you mean you started  
7 selling it after the Fed Circuit reversed the injunction,  
8 correct?

9           MR. YAO: I believe so, yes.

10          THE COURT: You didn't sell it while the injunction  
11 was in place, I assume.

12          MR. YAO: No.

13          THE COURT: No, meaning, you did not sell it,  
14 correct?

15          MR. YAO: No. Yes, yes, meaning that we did not sell  
16 it while the injunction was in place, yes.

17          THE COURT: All right. Good. Because even an  
18 injunction that's reversed is still an injunction until it's  
19 reversed, and so I hope your client -- well, you've  
20 represented that your client was not selling the allegedly  
21 infringing products during the pendency of the injunction, the  
22 injunction was vacated, the opinion entering it was reversed  
23 by the Fed Circuit, and at that time there was no injunction  
24 and your client was free to sell the product.

25          So now the question is, from the plaintiffs' side, do

1 you intend to seek a preliminary injunction while we're going  
2 through summary judgment briefing if they are going to --  
3 apparently their intent is to sell the product.

4 MR. LOMUSCIO: Yes, Your Honor, we would intend to  
5 proceed with our -- our motion for injunction because -- yes.

6 THE COURT: All right. Well, get your witnesses  
7 ready.

8 MR. LOMUSCIO: Yeah.

9 THE COURT: I don't know where they live; I don't  
10 know where all the attorneys are. You can contact my  
11 courtroom deputy by a joint email, after this status call, and  
12 you need to tell her -- well, you can tell me right now: How  
13 long do you expect the injunction hearing to last? What --  
14 how long will your witnesses be to testify -- take to testify?  
15 How many witnesses do you intend to call? And how long do you  
16 expect your arguments to be?

17 First, on the plaintiff.

18 MR. LOMUSCIO: Your Honor, we would expect one day,  
19 Your Honor. We have two witnesses who would proceed. We  
20 would think they would be about an hour each. And then,  
21 you know, we'd -- we'd also allot time for argument on the --  
22 attorney argument on the motions.

23 THE COURT: All right. And on behalf of defendants,  
24 how many witnesses do you expect to call and how long do you  
25 expect arguments to last?

1                   MR. YAO: So, Your Honor, I think we would expect to  
2 call, I would say about two -- two witnesses as well. And in  
3 terms of the arguments, I would say at least a day as well, so  
4 pretty similar to the plaintiffs as well, but I would have to  
5 confer --

6                   THE COURT: All right. So realistically, we'd need  
7 two days reserved for this hearing.

8                   Now, you had an objection on the defense side to  
9 Mr. Hatch's supplemental report, but I don't think that  
10 necessarily is -- relates -- that may relate to the briefing  
11 on summary judgment, but for a preliminary injunction, I don't  
12 think the discovery schedule that Judge Cole set necessarily  
13 controls.

14                  If someone wants to seek an injunction and they bring  
15 in any evidence they want, I'm not sure they're necessarily  
16 precluded from providing that information in an injunction  
17 hearing.

18                  If you feel differently, you need to file a motion so  
19 that we can try and resolve that before any hearing takes  
20 place, but I'm not altogether confident that a motion like  
21 that would be meritorious, again, on the preliminary  
22 injunction hearing. It may be different on the summary  
23 judgment because, you know, you all represented to Judge Cole  
24 you completed the discovery, and that has consequences when  
25 you say it's over. But for a preliminary injunction hearing

1 where in effect new evidence may be being brought in, I'm not  
2 sure that's the case.

3                   So on behalf of the defendants, if you feel  
4 differently, file your motion so we can resolve it before the  
5 hearing. Alternatively, I can hear evidence at the injunction  
6 hearing on a conditional basis. I can hear what Mr. Hatch's  
7 former opinions were, any new opinions he has, and hear  
8 argument on whether I should not consider the new opinions,  
9 but we at least do it expeditiously by hearing it all -- or I  
10 hear it all, not we, but I hear it all, and then decide if  
11 there's a reason not to consider the new opinions. So those  
12 are some thoughts on that.

13                  MR. YAO: Got it.

14                  THE COURT: So --

15                  MR. YAO: Your Honor, I just wanted to double-check  
16 the motion for summary judgment timeline. So I believe -- we  
17 plan to file that motion for summary judgment on the 23rd, and  
18 we also let the plaintiffs know yesterday as well, and I just  
19 wanted to confirm that that is the date -- that last date to  
20 file the summary judgment.

21                  THE COURT: Provide an agreed briefing schedule on  
22 summary judgment. I'm -- you know, I'm still puzzled why  
23 we're proceeding down two tracks, but that's what you've all  
24 chosen to do, and I assume it's done because your clients want  
25 you to or you think it's all -- the best way to proceed.

1           But if you're going to proceed on a summary judgment  
2 track, along with a hearing on a preliminary injunction,  
3 provide the agreed briefing schedule to my courtroom deputy in  
4 light of -- I think you need to know when we're going to hear  
5 this preliminary injunction so you're not running up against  
6 the wall where you're preparing for a hearing and also being  
7 required to brief summary judgment.

8           So what I'd suggest you do is first determine,  
9 through my courtroom deputy, what days we can have this  
10 hearing, and there are a very limited number of days, but  
11 we'll make -- we'll do what we can, and then once you have  
12 that set, you ought to just meet and confer and agree  
13 collaboratively on what a rational briefing schedule would be  
14 in light of the hearing we're going to have.

15           I think the first step is find out when the hearing  
16 is so you're not preparing a brief the same day you're in the  
17 middle of a hearing in my courtroom. Okay?

18           MR. YAO: Yes.

19           THE COURT: I mean --

20           MR. YAO: Sorry, Your Honor. I just have two more --  
21 two more questions. As we discussed -- as I discussed last  
22 time -- in the hearing last time, one of the parties  
23 Jiangyou-US, was dismissed from this case. It was back on  
24 June 21, 2022, pursuant to Docket No. 561. And -- and I  
25 checked with the -- the plaintiffs' motion for preliminary

1 injunction and apparently Jiangyou-US was still in this  
2 case so -- I'm sorry -- it was still, I guess, like  
3 restrained -- going to be restrained by the injunction, so I  
4 just wanted to check whether Jiangyou-US is actually  
5 dismissed, meaning that, you know, the PI -- if the PI was  
6 granted or supplied, that -- that Jiangyou-US won't be  
7 restrained, [inaudible] dismissed.

8 THE COURT: Are they your client?

9 MR. YAO: Yes. It was one -- I believe it was one of  
10 our previous clients and it was already dismissed from this  
11 case, but the name still appear in the plaintiffs' renewed --  
12 renewed motion for preliminary injunction.

13 THE COURT: Well, I had asked you after our last  
14 hearing to check with plaintiffs' counsel to see if that was a  
15 mistake or intentional.

16 What is it, Mr. Lomuscio?

17 MR. LOMUSCIO: Yeah, Your Honor, yes, we did speak  
18 with them. And the issue arose because that party was  
19 included in the -- in defense most recent round of expert  
20 reports. But as we informed the plaintiff on -- the defense  
21 yesterday -- excuse me -- we would -- if there's -- if they --  
22 if they are no longer proceeding on behalf of them in this  
23 case, then we would, you know, withdraw them from the -- from  
24 the -- seeking PI against them.

25 THE COURT: What do you mean if they're no longer

1 proceeding on behalf of them?

2 MR. LOMUSCIO: It -- it was unclear whether or not  
3 they were continuing to seek any sort of relief or otherwise  
4 based upon their inclusion in the expert reports. If -- if  
5 that is not the case, then we're -- then -- then we would not  
6 include them in the PI.

7 THE COURT: All right. Well -- and is that true from  
8 defense counsel, that you're not -- if their name was in the  
9 report, that doesn't mean you're asserting they're still in  
10 the case, correct?

11 MR. YAO: Yeah, yes, we're just -- we're just  
12 wondering if that was still -- you know, Jiangyou-US was still  
13 in the case or not.

14 THE COURT: If they're dismissed, they're dismissed.

15 MR. YAO: Okay.

16 THE COURT: If you incorrectly included their name in  
17 an expert report, that doesn't put them back in the case,  
18 so --

19 (Indiscernible crosstalk.)

20 THE COURT: -- short of the plaintiff amending the  
21 complaint to add them.

22 You have no -- do you have any desire to do that on  
23 the plaintiffs' side -- or any intention to do that on the  
24 plaintiffs' side?

25 MR. LOMUSCIO: No, we do not, Your Honor.

1                   THE COURT: All right. Well, then I think you're  
2 safe in assuming, from the defense, that they're not in the  
3 case.

4                   Other question.

5                   MR. YAO: Yes, thank you, Your Honor. So -- and it  
6 was also noted in the minute entry that defendants' motion to  
7 clarify, Docket 560, was denied as moot, so we just want to, I  
8 guess, get a clarification to the denied as moot. It is -- it  
9 is unclear whether the G11 Model Hoverboard that's -- that was  
10 referenced in the preliminary injunction was also no longer an  
11 accused product in this case that --

12                  THE COURT: I can't answer that off the top of my  
13 head. If you think you need clarification, file a motion for  
14 clarification. I thought the order we entered was clear. I'm  
15 not going to speak off the cuff on something where you're  
16 making that kind of a question, so ask -- file a motion for  
17 clarification if you feel it needs clarification.

18                  I would really encourage you to meet and confer with  
19 plaintiffs' counsel so that you can likely reach agreement on  
20 the scope of the order we entered to the extent you think it's  
21 ambiguous. But file a motion for clarification if you feel  
22 it's necessary.

23                  MR. YAO: Okay. One more -- one more, I guess,  
24 comment that defendants -- defendants plan to file a motion to  
25 seek the appropriate damages associated with the

1 wrongfully-issued preliminary injunction as well.

2 THE COURT: Fine. I mean, nothing is preventing you  
3 from filing it. Obviously -- I think you noted in the status  
4 report you had lost net profits in the amount of over  
5 \$600,000, and prejudgment interest of close to 40,000. You  
6 obviously have to support any request by way of affidavit and,  
7 you know, the appropriate -- I'm assuming there's appropriate  
8 financial records to support such a request and that's,  
9 you know, routine. That's a motion you need to file, and if  
10 you can reach an agreed briefing schedule on that, you should  
11 suggest that when you contact my courtroom deputy that -- when  
12 you're going to file such a motion, what the agreed briefing  
13 schedule is on it, and if there's no agreement, what the  
14 disagreement is, and I'll rule on an appropriate schedule  
15 based on what you say each side needs.

16 MR. YAO: Got it.

17 THE COURT: Okay. Anything else from defendant?

18 MR. YAO: No, that's -- that's everything,  
19 Your Honor. Thank you.

20 THE COURT: Anything else from plaintiff?

21 MR. LOMUSCIO: Nothing else, Your Honor. Thank you.

22 THE COURT: All right. Contact my courtroom deputy,  
23 see if we -- I'm not sure we'll get two consecutive days, but  
24 we'll give you two days at some point before I start the very  
25 lengthy trial I've got in January.

1           I can't help but note when I looked at Document 602,  
2 the joint status report, it's really unnecessary to use  
3 adjectives in a simple status report to characterize -- this  
4 is on page 3, defendants' position -- to characterize tactics  
5 used by plaintiffs as vile tactics, evil-hearted tactics, and  
6 then the Court's wrongful and unscrupulous analysis.

7           I've been called many things, but not unscrupulous.  
8 So I take no personal offense; I'm just noting that it's  
9 unnecessary. It really is, to put these kind of adjectives in  
10 a simple court status report. Again, I take no offense and  
11 I'm -- I can't speak for plaintiffs, but it really is not a  
12 good way to proceed if we're going to try and get this  
13 resolved in an expeditious manner going forward.

14           So please, you know, work within the spirit of  
15 professionalism and the spirit of cooperation to try and get  
16 this resolved. We're all -- you both have clients; that's  
17 your role is to represent your clients. My job is to fairly  
18 and within the best of my ability decide this based on the  
19 facts. So let's keep it at a professional level.

20           All right. I'll look forward to your corresponding  
21 with my courtroom deputy so we can get a preliminary  
22 injunction hearing set.

23           Thank you, both.

24           MR. YAO: Thank you, Your Honor.

25           MR. LOMUSCIO: Thank you.

1 (Proceedings concluded at 9:27 a.m.)  
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HANGZHOU CHIC INTELLIGENT  
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## Plaintiffs,

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**THE PARTNERSHIPS AND  
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## Defendants.

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November 17, 2022  
3:31 p.m.

TRANSCRIPT OF TELEPHONIC PROCEEDINGS - Status Hearing  
Volume 1B  
BEFORE THE HONORABLE THOMAS M. DURKIN

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1 (Proceedings heard telephonically.)

2 THE COURT: All right. Emily, please call the case.

3 THE CLERK: This is Case No. 20 CV 4806,

4 ABC Corporation v. The Defendants Identified on Schedule "A."

5 Could I please have the attorneys present on behalf  
6 of the plaintiff state their name.

7 MR. LOMUSCIO: Richard Lomuscio of Tarter Krinsky &  
8 Drogin on behalf of the plaintiffs.

9 THE CLERK: And --

10 MR. MATHEW: Anand Mathew for plaintiffs.

11 THE CLERK: All right. And on behalf of defendants.

12 MR. YAO: This is Attorney Yu-Hao Yao appearing on  
13 behalf of defendants.

14 THE COURT: Okay. We had a hearing this morning, and  
15 I had asked the parties to contact my courtroom deputy to  
16 arrive at a date, or dates, for the preliminary injunction  
17 hearing, recognizing that my schedule is very limited because  
18 of other criminal matters often involving incarcerated  
19 defendants and trials that have been set for some time.

20 We had suggested dates of December 2nd and  
21 December 9th, which apparently the plaintiffs could conduct  
22 their hearing and were available for, but defendants said they  
23 were not available. We then gave dates in early January,  
24 which defendants said they were not available.

25 This is not really optional. The plaintiffs -- if

1 you intend to sell your product, the defendants, they're  
2 entitled to seek an injunction to prevent it, and we're going  
3 to go with the first available dates.

4 It's in the nature of an emergency motion so our  
5 hearings will be December 2nd and December 9th. You're going  
6 to have to reschedule things, get your witnesses together if  
7 you need to, reschedule things from your own professional and  
8 personal calendars, but that is their right to seek an  
9 injunction if your desire is to sell your products.

10 Now, I have a couple other comments, and then I'll  
11 let you all speak.

12 From the plaintiffs' side, if they sell their  
13 products and it turns out they violate your patent -- they're  
14 infringing your patent, you get damages and an injunction. I  
15 don't know how long it'll take to -- for that to accomplish,  
16 but if you're successful, you'll get damages for all this.  
17 Why you need to enjoin it right now, I'm not sure the  
18 hoverboard sales are going to create a significant crisis for  
19 either company if those sales take place, and you get to  
20 measure the damages based on the amount of sales they conduct.

21 From the defendants' side, are you going to sell so  
22 many of these things before summary judgment is decided that  
23 it's worth it to not forgo selling until you get a ruling on  
24 summary judgment if you're successful?

25 You've already made a calculation of what your lost

1 profits will be based on what you -- what was an injunction  
2 that was granted improvidently by me, so you've -- that was  
3 requested by the plaintiffs -- but you've made a calculation  
4 as to what your lost profits were, if, in fact, you could, if  
5 the parties were speaking to each other, and I hope you are,  
6 one way to protect the defendants and the plaintiff is if  
7 defendants, in effect, agreed to not sell the product as if  
8 there were an injunction in place, but they did so with the  
9 agreement of the plaintiff that if it turns out that there  
10 is no infringement, the lost profits that would take place now  
11 and during the period of time before the summary judgment  
12 motion is decided or before we have trial, would be something  
13 that they would be compensated for.

14 That seems like a logical way to protect both  
15 parties' positions without speeding through a preliminary  
16 injunction hearing. I'll do it. That's my job, and I'll be  
17 happy to do it, but we're going to do it December 2nd and  
18 December 9th. We're not going to keep delaying this, because  
19 it's in the nature of an emergency motion.

20 But I think there are ways for both of you to  
21 protect -- you know, plaintiffs to get a -- you know, you get  
22 damages if it turns out their sales are improper; easy way to  
23 measure that. And from the defendants, if you forgo selling  
24 your products, there ought to be a way to reach an agreement  
25 with the plaintiff that if that forbearance was unnecessary

1 because your product does not infringe, then the lost profits  
2 for this short period of time between, really, the entire  
3 period from when you were originally enjoined until there's a  
4 resolution would be something that you can seek damages on.

5 So I'll hear first from plaintiffs as to any thoughts  
6 on what I've just said.

7 MR. LOMUSCIO: Yeah, Your Honor. Thank you,  
8 Your Honor.

9 First off, you know, as to the -- the need for the  
10 injunction, we are entering into the -- the holiday selling  
11 season, which is typically the height of the period for sales  
12 of these products. And sales of these, if there are  
13 infringing products out there, it's causing irreparable harm  
14 to our clients with those sales.

15 Second, the injunction that has -- was in place we  
16 believe was only vacated for technical reasons, which we have  
17 further supported through our preliminary -- you know, our  
18 current motion, and, you know, we think the -- the issue here  
19 is the injunction that was in place, there should be -- should  
20 have been an injunction in place and the injunction should  
21 continue.

22 We are -- we are always, though -- you know, and we  
23 will speak with the defendants if there's some other way to do  
24 it, but we did make proposals along those lines prior to  
25 today, they were rejected, and, you know, we do need to -- our

1 clients need to protect their rights and that's why they will  
2 be proceeding with the -- the preliminary injunction motion.

3 THE COURT: Okay. And from defendants.

4 MR. YAO: Thank you, Your Honor.

5 So given -- I'll just go back to the dates. I know  
6 you said that December 2nd, and I -- one of the reasons that  
7 defendant is proposing -- sorry -- a later date is to  
8 generate -- one of them is to, you know, we have to contact  
9 our experts. Given the upcoming Thanksgiving holiday and  
10 upcoming Christmas season, as we all know, that people will be  
11 traveling and it's just not -- it was just not reasonable to  
12 have the experts, you know, to be ready at December 9th --  
13 I'm sorry -- December 2nd for the preliminary injunction  
14 hearing.

15 And second, the preliminary injunction -- delaying --  
16 not delaying, but postponing the preliminary injunction  
17 hearing to January, which is a month after -- which is only a  
18 month after will not cause any prejudice or undue burden to  
19 the plaintiffs.

20 Second, you know, defendants have already been  
21 enjoined these past few years leading to, you know, as we've  
22 already calculated -- excuse me -- defendants have already  
23 calculated the amount of loss of profits, as well as business  
24 reputation. And, simply, one of the defendants in this case  
25 were restrained by the plaintiffs for selling hovershoes

1 which, you know, have no connection whatsoever to the  
2 allegedly infringed products in this case and --

3 THE COURT: Well, that's what we're going to -- that  
4 we'll decide at the hearing. That's the whole point of the  
5 hearing. If you want to sell your product, which is your  
6 right, and you want to sell them over the Christmas season,  
7 which is your right, then they have alleged you violate  
8 their patents, then they're entitled to a preliminary  
9 injunction hearing because they're at least alleging there  
10 will be irreparable harm because your client wants to sell  
11 what they believe to be an infringing product over a busy  
12 holiday season.

13 So there's no two ways about it. If you want to sell  
14 your product, that is your right. But they filed a lawsuit;  
15 they have a right to proceed under the Federal Rules of Civil  
16 Procedure to seek an injunction to prevent it. I'm -- I'm not  
17 frustrated by any of this, but I see a lot of business ways to  
18 resolve this, but the parties aren't going into that, and  
19 that's -- that's your business.

20 And as to -- I know I interrupted you; you have  
21 another point, but I just want to address that point. And as  
22 to the point of, you know, it's the busy season, it's tough to  
23 get witnesses in, and Thanksgiving and Christmas, I -- I,  
24 you know, that's -- that's the way it goes. There's no  
25 getting around it.

1           They're alleging irreparable harm. They do make a  
2 point, frankly, that given the holiday season, we can't keep  
3 delaying. And it doesn't make sense logically that many of  
4 these boards, both your clients and their clients, are sold  
5 over the holiday season, so, you know, I don't even know if  
6 you contacted your experts yet, but you can get them in.

7           You'll have to get them in, or we'll hear them by  
8 video, if necessary. I have no problem with hearing  
9 witnesses' testimony if they're remote, in a courtroom. It'll  
10 be in the courtroom. The attorneys need to be there, but I  
11 have no problem at all accommodating a request to have someone  
12 testify live but -- you know, by video, which may help with  
13 the travel situation or any other scheduling situations.

14           And that's true for both sides. I prefer live  
15 testimony in the courtroom, but given the emergency nature of  
16 this and the fact that the travel -- busy holiday travel  
17 season, I'm happy to accommodate a reasonable request, as long  
18 as both sides agree to allow a witness to testify remotely by  
19 video. Not by audio. I want to see the person's face, but by  
20 video, if necessary.

21           Okay. Those were the first two points. I  
22 interrupted your third one, and I apologize. Go ahead.

23           MR. YAO: No problem, Your Honor.

24           And I guess, you know, the third point is given  
25 that -- I've spoken about the holidays travel and you

1 mentioned that. And then I would say the last -- last few  
2 points are there's no -- as, you know, why defendants are  
3 alleging that there are no merits to this preliminary  
4 injunction, but rather is going to interfere with defendants'  
5 business operation and driving defendants out of the  
6 competition, the business, and the market.

7 And lastly, you know, the Federal Circuit has already  
8 ruled on that plaintiff has no likelihood of success on the  
9 merits. And so given that, you know, just simply delaying the  
10 preliminary injunction hearing to January will not prejudice  
11 any parties -- or any parties, and it would be the best -- it  
12 would also conserve the Court's time and resources as well.

13 THE COURT: Well, the Court's time and resources is  
14 no one's concern but mine, and I'm making -- and I'm moving  
15 other cases on December 2nd and December 9th to accommodate  
16 the emergency motion. Your client wants to sell his  
17 product -- its products, that's fine.

18 The Fed Circuit did not find that there was no  
19 likelihood of success on the merits. That's not how I read  
20 the opinion. That's inaccurate. It simply said that I could  
21 not have assumed likelihood of success on the merits given the  
22 affidavit of -- the competing affidavits, I couldn't just  
23 assume likelihood of success on the merits. I needed to  
24 conduct a hearing, at the very least. And that's what I'm  
25 going to allow the parties to have.

1           So, Emily, what time are we starting on December 2nd?

2           THE CLERK: I'm pulling up the calendar here.

3           We can start at 10 o'clock if we reschedule the noon  
4 change of plea.

5           THE COURT: Okay. We'll do that before -- before the  
6 hearing. So 10 o'clock, December 2nd. If there's any papers  
7 anyone wants to file beyond what's already on the record, you  
8 should do so. I would like notice of who the -- each side  
9 should tell the other side who they intend to call as  
10 witnesses, and I'd like some notice of that, and you can give  
11 that notice to my courtroom deputy simply by email.

12           Okay. And then we'll also -- if we're not done on  
13 the 2nd, we'll continue it to December 9th. I think we have  
14 the final pretrial conference -- oh, we have a phone call on  
15 Shah at 4:00.

16           And can we rearrange things where we can start at  
17 10 o'clock again on the 9th if we're not done on the 2nd?

18           THE CLERK: Yes, I think we could, yeah.

19           THE COURT: Okay. All right. Well, that's the  
20 schedule, and I look forward to seeing you all in Chicago on  
21 December 2nd at 10 o'clock.

22           If you have any questions, communicate -- not legal  
23 arguments, but scheduling questions -- you can email my  
24 courtroom deputy and she'll make sure she gets me the message.

25           Anything else from plaintiff?

1 MR. LOMUSCIO: Nothing else, Your Honor. Thank you.

2 THE COURT: Anything else from defendant?

3 MR. YAO: No, that's it. Thank you, Your Honor.

4 THE COURT: Okay. Thank you all. Bye-bye.

5 (Proceedings concluded at 3:43 p.m.)

# CERTIFICATE

I certify that the foregoing is a correct transcript from  
the record of proceedings in the above-entitled matter.

9 || /s/ Elia E. Carrión

*21st day of November, 2022*

10 *Elia E. Carrión  
Official Court Reporter*

Date